

July 31, 2013

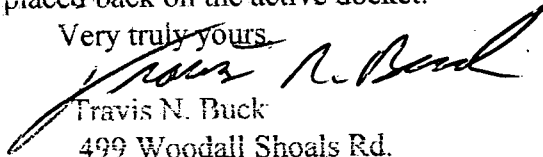
Deputy Clerk V. Claire Allen
Post Office Box 11629
Columbia, South Carolina 29211

RE: Order of Dismissal
The State v. Buck, Travis N.
2011198189

Dear Ms. Allen,

I received an Notice of Order of Dismissal from your office. It referenced Rule 221(b) as reason for notice. The signed final order was filed with the Clerk of Courts in Oconee County. I have provided you with a copy of said order. In light of the materials provided herein, I would respectfully request that my case be placed back on the active docket.

Very truly yours,



Travis N. Buck
499 Woodall Shoals Rd.
Longcreek, South Carolina 29658
(864) 647-9085
Appellant

cc: David A. Spencer

RECEIVED

AUG 05 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)
)
Travis Noah Buck)
)
v.)
)
State of South Carolina)

IN THE COURT OF COMMON PLEAS
CASE NUMBER 2011-CP-37-433

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2011 NOV 18 PM 4 08

ORDER

PRESIDING JUDGE:
DATE OF HEARING:
PETITIONER'S ATTORNEY:
RESPONDENT'S ATTORNEY:

ALEXANDER S. MACALAY
AUGUST 1, 2011
PRO SE
BLAIR L. STOUDEMIRE

This matter was before the Court pursuant to an appeal from the Magistrate's Court trial held before the Honorable Will F. Derrick on May 4, 2011. The issue before the Court was whether the trial court, in a trial on the charge of Unlawful Use of Telephone, abused its discretion by failing to direct a verdict for the Defendant, failing to properly charge the jury, and failing to apply applicable law pertaining to the case.

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FINDINGS OF FACT

The Court, considering the pleadings, and statements of the attorneys, finds from a clear preponderance of the evidence the following salient facts:

SC Court of Appeals

1. That the Petitioner and Respondent are residents of Oconee County, South Carolina, with Respondent being represented by the Oconee County Solicitor's office.
2. That the Petitioner was a defendant in an Oconee County Magistrate's Court criminal case, which was tried in Oconee County on May 4, 2011. The jury returned a verdict of guilty against the petitioner. His appeal from that trial was properly filed on May 6, 2011.
3. I find that the Petitioners' appeal is based upon the premise that the trial judge abused his discretion in not directing a verdict for the defendant, failing to properly charge the jury, and not applying applicable law to the case at hand.
4. I find that in this particular case, the trial judge found sufficient evidence to proceed to the jury with the case at the close of the prosecution's case. Upon a motion for directed verdict, a trial court is concerned only with the existence of evidence, not its weight. State v. Gaster, 564 S.E.2d 87 (2002). When reviewing a denial of a directed verdict, this Court must view the evidence and all reasonable inferences in the light most favorable to the state. State v. Burdette, 335 S.C. 34, 46, 515 S.E.2d 525, 531 (1999). If there is any direct

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DSS _____ other Solicitor _____
Mailed _____ Boxed handed _____

evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury. State v. Harris, 351 S.C. 643, 653, 572 S.E.2d 267, 273 (2002); State v. Venters, 300 S.C. 260, 264, 387 S.E.2d 270, 272-73 (1990). Based upon the facts presented at trial and here on appeal, I find the trial Court properly denied the Defendant's motion for directed verdict.

5. I find that the trial court did not abuse its discretion in this matter with regard to its jury charge, nor in its decision to not apply law as set forth by the Defendant in this matter. An appellate court will not reverse the trial judge's decision regarding jury charges absent an abuse of discretion. Clark v. Cantrell, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000); State v. Williams, 367 S.C. 192, 624 S.E.2d 443 (Ct.App.2005).

CONCLUSIONS OF LAW

The Court concludes as a matter of law that it has the jurisdiction to hear and determine all matters in this action and of the parties. That this Court has the authority to issue an Order on this appeal from the Magistrate's Court.


Based upon the Findings of Fact and applicable law,

**NOW, THEREFORE:
IT IS ORDERED:**

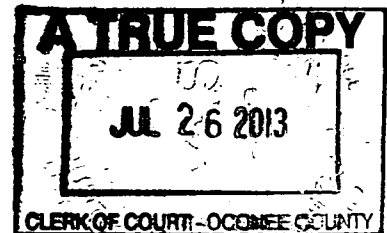
- a. That the Petitioners' appeal is hereby denied, and the decision of the trial court upheld.

AND IT IS SO ORDERED!

Walhalla, South Carolina
November 17, 2011


ALEXANDER S. MACAULAY
The Circuit Court Tenth Judicial Circuit

FILED OCOONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2011 NOV 18 PM 4 08



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